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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,858	05/22/2001	Robert B. Chaffee	C0852-7013US	8373
37462	7590	08/01/2008		
LOWRIE, LANDO & ANASTASI, LLP ONE MAIN STREET, SUITE 1100 CAMBRIDGE, MA 02142			EXAMINER	
			CONLEY, FREDRICK C	
			ART UNIT	PAPER NUMBER
			3673	
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/862,858	<b>Applicant(s)</b> CHAFFEE, ROBERT B.
	<b>Examiner</b> FREDRICK C. CONLEY	<b>Art Unit</b> 3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 01 April 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7, 9-15, 18-34, 55, 62-73 and 75-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7, 9-15, 18-34, 55 and 62-73 and 75-92 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/898)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Inventory of Patent Application  
 Paper No(s)/Mail Date \_\_\_\_\_
- 6) Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 9-15, 18-20, 22, 24-27, 30, 32-34, 55, 62-64, 66, 68-73, 75-76, 79-80, 85-86, and 89-92 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,850,996 to Liang.

In reference to claims 1, 13, 62, 79, 86, and 89-92, Liang discloses a fastener having a base 1 and including an openings (15,181); a housing defined by a receiving chamber (13) connected to the base adapted to retain a fastening element defined by a hanging rod 42 when the fastening element is inserted in the housing and a latch defined by movable plate 42 flexibly connected to a region of the base located on an open side of the housing such that the latch can be moved relative to the housing (col. 1 lines 59-60) and positioned relative to the housing to retain the fastening element by interference with a lateral surface of the fastening element, the latch including a surface defined by push rods 3 that is proximate the opening (181) in the housing, wherein the surface is externally accessible with the fastening element retained in the housing, the latch is configured such that the fastening element is inhibited from being removed from the housing absent an application of a force applied to the surface proximate the opening to flex the flexible portion (col. 2 lines 35-52) wherein the latch is constructed to locate the portion of the latch between the region of the base to which the latch is flexibly connected and a location of the fastening element when the

fastening element is retained in the housing (fig. 1), and wherein a location of the fastening element is centered about an axis perpendicular to the fastener when the fastening element is retained in the housing, and wherein a distance between the portion of the latch and the axis increases as the fastening element moves out of the housing when the force is applied to the surface proximate the opening to depress the latch.

Regarding claims 2, 19, and 63, Liang discloses the fastener of claims 1 and 62 as discussed above, and discloses a flange defined by a clamping plate 2 and wherein the housing and the latch are both connected to the flange (fig. 2 & 4).

Regarding claims 3, 20, 64, and 80, Liang discloses the fastener as discussed above, wherein the flange is configured so that it can be connected to a sheet of material defined by a belt.

Regarding claims 5, 22, 30, and 66, Liang discloses the fastener of claims 1 and 62 as discussed above, wherein the housing comprises a side wall and a retaining lip defined by a curved connecting rib 12 (fig. 1).

Regarding claims 7, 24, 32, and 68, Liang discloses the fastener of claims 1 and 62 as discussed above, and further discloses the side wall comprising a semi-circular section (fig. 1).

Regarding claims 9, 26, and 69, Liang discloses the fastener of claims 1 and 62 as discussed above, and further discloses the latch is flexible (col. 2 lines 35-52).

Regarding claims 10, 27, and 70, Liang discloses the fastener of claims 1 and 62 as discussed above, and further discloses the latch having a flange defined by the

clamping plate 2 that is generally parallel to a base of the housing and projecting towards the interior of the housing (fig. 2).

Regarding claims 11, 33, and 71, Liang discloses the fastener of claims 1 and 22 as discussed above, and further discloses the latch further comprises an arched rib 16 having a contour corresponding to the shape of the fastening element (fig. 2).

Regarding claims 12 and 72, Liang discloses the fastener of claims 1 and 62 as discussed above, and further discloses the fastener is integrally formed in a sheet of plastic material (col. 1 lines 52-53).

Regarding claims 14-15 and 25, wherein the housing and the fastening element are flexible.

Regarding claim 18, Liang discloses a fastener that can be attached to a first surface defined by a belt, comprising:

a base 1;

a housing connected to the base and including an opening 15 the housing being sized and adapted to retain a fastening element; and

a latch 14 flexibly connected to a region of the base located on an open side of the housing such that the latch can be moved relative to the housing and positioned relative to the housing (fig. 9-10) so that the latch in combination with the housing retains the fastening element, the latch including a surface 3 that is proximate the opening in the housing, wherein the surface is externally accessible with the fastening element retained in the housing, the latch configured such that the fastening element is

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inhibited from being removed from the housing absent an application of force applied to the surface proximate the opening to flex the latch (col. 2 lines 35-52).

Regarding claims 34 and 85, Liang discloses the fastener of claim 13 as discussed above, and further discloses the latch is positioned relative to the housing to retain the fastening element by interference with a lateral surface of the fastening element.

Regarding claim 55, Liang discloses the fastener of claim 13 as discussed above, and further discloses the fastener is attached to a belt and the latch is depressible in the direction of the object.

Regarding claims 73 and 75-76, Liang discloses the fastener of claim 62 as discussed above, and further discloses that the latch is accessible such that an external force can be applied by an operator's finger to depress the latch (col. 2 lines 35-52).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 23, 31, 67, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,850,996 to Liang in view of U.S. Pat. No. 5,507,610 to Benedetti et al.

Regarding claims 6, 23, 31, 67, 82, Liang discloses the fastener of claims 1 and 62 as discussed above, but fails to disclose the retaining lip defining a downwardly extending notch to accommodate a fastening element attachment mechanism. Benedetti discloses a fastening assembly with a housing 12 having a retaining lip defining a downwardly extending notch 14. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ the retaining lip and extending notch as taught by Benedetti in order to prevent the fastener from being exposed (col. 4 lines 9-11).

Claims 4, 21, 28-29, 65, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,850,996 to Liang.

Regarding claims 4, 21, 28-29, 65, and 81 Liang discloses the fastener of claims 1 and 62 as discussed above, but fails to disclose the flange being made of thermoplastic and heat sealed to the sheet of material. The use of thermoplastic fabric

materials and the methods employed to seal components together are well known and it would have been obvious for one having ordinary skill in the art at the time of the invention to merely select a thermoplastic material and heat seal the flange to another plastic member in order to ensure fastening assembly is secured.

Claims 77-78, 83-84, and 87-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,850,996 to Liang in view of U.S. Pat. No. 4,681,552 to Courtney.

Regarding claims 77-78, 83-84, and 87-88, Liang discloses the fastener of claim 13 as discussed above, but fails to disclose an inflatable bladder. Courtney discloses a fastener attached to a backpack 24 having an inflatable bladder 36. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ an inflatable bladder as taught by Courtney in order to provide buoyancy compensation and provide a life vest.

***Response to Arguments***

Applicant's arguments with respect to claims 1-7, 9-15, 18-34, 55 and 62-73 and 75-88 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICIA L. ENGLE can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/  
Supervisory Patent Examiner, Art  
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/FREDRICK C CONLEY/  
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